

REMARKS

Claims 50-68 were examined by the Office, and in the Office Action of August 31, 2009 all claims are rejected. With this response, no claims are amended, added or cancelled. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

**Claim Rejections Under § 103**

In section 3, on page 2 of the Office Action, claims 50-62 and 64-68 are rejected under 35 U.S.C. § 103(a) as unpatentable over Rune-A et al. (U.S. Appl. Publ. No. 2002/0012321) in view of Rune-B (U.S. Patent No. 6,434,396). Applicant respectfully submits that claim 50 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 50. The cited references, alone or in combination, at least fail to disclose or suggest receiving information having both a cell specific parameter and a radio link specific parameter, in respective messages on an interface between a network element and a radio network controller, as recited in claim 50. Furthermore, the cited references also fail to disclose or suggest receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element, as recited in claim 50.

The Office asserts that Rune-A discloses receiving information having both a cell specific parameter and a radio link specific parameter in respective messages on an interface between a network element and a radio network controller. However, in Rune-A the control parameters are for in-and out-of-sync detection, and are calculated by function (106) for every potential radio link set in the base station. See Rune-A paragraph [0064]. In Rune-A the term “potential radio link set” is a general term for any combination of one or more cells in the base station that could support a radio link set. See Rune-A paragraph [0064]. Rune-A never discloses that there is a message that conveys the radio link specific parameters from the radio network controller to the base station. Instead, Rune-A only states that the new control parameters for the potential radio link sets can be determined in accordance with any one of i) through iv) listed in Table 7. See Rune-A paragraph [0066]. However, the “specific radio” asserted by the Office to correspond to

the radio link specific parameter actually refers to the “specific radio link set,” which is a combination of one or more cells in the base station that could support a radio link set. See Rune-A paragraph [0064]. Therefore, the “specific radio” does not correspond to the radio link specific parameter, as recited in claim 50.

In addition, the Office acknowledges on page 3 of the Office Action that Rune-A does not teach receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element, wherein at least one of the respective messages enables the configuring of the radio uplink, and relies upon Rune-B for this teaching. However, Rune-B only discloses that the first data unit of the message is transmitted to the mobile station from the base stations. See Rune-B column 2, lines 23-62. This transmission is on the downlink, and not an uplink transmission as recited in claim 50. Furthermore, Rune-B only states that the data packet is sent from the MSC to RNC to the base station, and then to the mobile station. However, there is no disclosure in Rune-B about a message from the radio network controller to the base station for configuring the radio link, as recited in claim 50. Therefore, for at least the reasons discussed above, claim 1 is not disclosed or suggested by the cited references.

Independent claims 53, 60-62 and 64-67 contain limitations similar to those recited in claim 50, and are rejected for similar reasons as claim 50. Therefore, for at least the reasons discussed above with respect to claim 50, claims 53, 60-62 and 64-67 are not disclosed or suggested by the cited references.

The dependent claims rejected above are not disclosed or suggested by the cited references at least in view of their dependencies.

#### **Allowable Subject Matter**

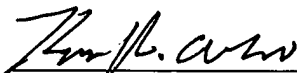
Applicant acknowledges that claim 63 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

**CONCLUSION**

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

Dated: 24 November 2009

  
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